## UNITED STATES DISTRICT COURT

## EASTERN DISTRICT OF TEXAS

KENNETH CRISSUP,

Plaintiff,

versus

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CIVIL ACTION NO. 1:09-CV-385

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JOHN SMITH, et al.,

Defendants.

## MEMORANDUM ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Kenneth Crissup, proceeding *pro se*, filed this civil rights lawsuit. The court previously referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court.

Defendant Virgil Weaver has filed a motion to dismiss. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning the motion. The magistrate judge recommends the motion be denied.

The court has received the Report and Recommendation, along with the record, pleadings, and all available evidence. No objections were filed

## **ORDER**

Accordingly, the findings of fact act and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. Defendant Weaver's motion to dismiss is **DENIED**.

SIGNED at Beaumont, Texas, this 19th day of July, 2013.

MARCIA A. CRONE UNITED STATES DISTRICT JUDGE

Maria a. Crono.